

Message Text

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67

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 TRSE-00 /060 W

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P 031950Z APR 76

FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC PRIORITY 6831

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FOR: L/PM

E.O. 11652: N/A

TAGS: PGOV, PFOR, BGEN, DR

SUBJ: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:
FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: A) 75 STATE 258169, B) 75 SANTO DOMINGO 5102, C) STATE 94647

1. FOLLOWING IS KEYED TO PARAGRAPH 2 OF REFTEL C.

A) YES

B) NO

C) YES

D) NO

E) NO

F) NO

2. THERE ARE NO DOMINICAN LAWS GOVERNING ACTIONS LAID OUT IN
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QUESTIONS B, D, E AND F OF PARAGRAPH 2 OF REFTEL C.

3. QUESTION A OF PARAGRAPH 2 OF REFTEL C IS COVERED BY THE PENAL CODE OF THE DR, FIFTH EDITION, ARTICLES 175-183 AND LAW 5924, CHAPTER 1.

A) ARTICLE 175 STATES GENERALLY THAT ANY PUBLIC OFFICIAL WHO RECEIVES AN UNLAWFUL RECOMPENSE FOR BECOMING INVOLVED IN MATTERS OUTSIDE OF HIS OFFICIAL DUTIES WHILE CLAIMING TO BE ACTING IN HIS OFFICIAL CAPACITY SHALL BE PUNISHED WITH A PRISON TERM OF SIX MONTHS TO ONE YEAR WITH A FINE NOT MORE THAN ONE-FOURTH NOR LESS THAN ONE-TWELFTH OF THE UNLAWFUL RECOMPENSE. THE OFFICIAL SHALL ALSO BE BANNED FROM PUBLIC OFFICE FOR LIFE.

B) ARTICLES 177-183 STATE THAT ANY PUBLIC OFFICIAL (EXCEPT MILITARY OR JUDICIAL AS NOTED LATER) CONVICTED OF ACCEPTING A BRIBE IN ANY FORM IS SUBJECT TO A FINE DOUBLE THE SIZE OF THE BRIBE AND IN NO CASE LESS THAN 50 PESOS (ONE PESO EQUALS ONE US DOLLAR). A JAIL SENTENCE OF NOT LESS THAN SIX MONTHS IS ALSO CALLED FOR. JUDGES CONVICTED OF ACCEPTING BRIBES ARE SUBJECT TO A JAIL TERM OF NOT LESS THAN SIX MONTHS. MILITARY OFFICIALS CONVICTED OF ACCEPTING BRIBES WILL BE SUBJECT TO A TWO-TO SIX-MONTH JAIL SENTENCE. IN ALL CASES, ANYTHING OFFERED AS A BRIBE WILL BE CONFISCATED BY THE GOVERNMENT.

C) LAW 5924, CHAPTER 1, OF APRIL 24, 1962, AS PUBLISHED IN THE OFFICIAL GAZETTE, STATES THAT ALL PUBLIC OFFICIALS WHO COMMIT ABUSES OR USURPATION OF THEIR POWER IN ORDER TO ENRICH THEMSELVES OR OTHERS WILL BE DECLARED GUILTY OF ILLICIT ENRICHMENT AND CONDEMNED TO THE PENALTIES OF CONFISCATION OF ALL THEIR GOODS.

4. A) QUESTION C OF PARAGRAPH 2 OF REFTEL C IS COVERED BY ARTICLE 178 OF THE PENAL CODE WHICH STATES THAT ANY PERSON CONVICTED OF OFFERING THE BRIBE IS SUBJECT TO THE SAME PUNISHMENT AS THE PUBLIC OFFICIAL, WITH BUSINESSMEN OR INDUSTRIALISTS SUBJECT TO THE ADDITIONAL PENALTY OF NOT BEING ABLE TO CARRY OUT ANY BUSINESS ACTIVITY FOR A PERIOD OF TWO TO FIVE YEARS.

B) LAW 5924, CHAPTER 1, ALSO STATES THAT THE SAME PENALTY LAID OUT IN PARAGRAPH 3, C ABOVE WILL BEFALL ANYONE WHO HAS ENRICHED HIMSELF AS A RESULT OF PUBLIC POWER ABUSES COMMITTED LIMITED OFFICIAL USE

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BY ANOTHER.

5. COPIES OF THE ORIGINAL SPANISH TEXT OF ARTICLES 175 AND 176 OF THE PENAL CODE AND CHAPTER 1 OF LAW 55924 ARE BEING POUCHED TO L/PM AS REQUESTED IN REFTEL C. ARTICLES 177-183 WERE POUCHED PREVIOUSLY TO L/PM VIA TRANSMITTAL SLIP OF NOV 17, 1975. AXELROD

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